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U.S. DISTRICT COURT
DISTRICT OF MASS.
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS AT BOSTON

Ralph R. Nelson : Case No. 1:04-CV-10845 GAO
Plaintiff, : (Magistrate Judge Cohen)
v. : **ANSWER OF DEFENDANT**
Tonya Marie Coffey (Nelson), et al. : **DANNETTA GRAVES**
Defendants. :

Now comes Defendant, Dannetta Graves, and for her answer to Plaintiff's Complaint, says:

FIRST DEFENSE

1. Defendant admits the allegations contained in paragraphs 3, 4, 6, 7, 10, 12, 13, and 14 of the "Parties" section, and paragraphs 20, 26, 27, 116, 118, 122, 124, of "The Facts" section of Plaintiff's Complaint.

2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1, 2, 5, 8, 9, and 11 of the "Parties" section, and paragraphs 1, 2, 3, 4, 6, 7, 11, 12, 13, 14, 22, 23, 24, 25, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 67, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 120, 125, 126, 128, 129, 130, 140, 167, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 198, 199, 200, 201, 202, 203, 204, 219, 220, 221, 222, 223, 224, 225, 228, 229, 230, 237, 238, 239, 241, 243, 244, 245, 246, 247, 248, 249, 255, 256, 257, 268, 269, 270, 271, 272, 284, 285, 286, 288, 289, 290, 291, 293, 294, 295, 296, 297, of "The Facts" section of Plaintiff's Complaint and therefore denies same.

3. Defendant denies the all of the allegations contained in the "Jurisdiction and Venue" section, and paragraphs 8, 9, 18, 21, 28, 29, 30, 42, 68, 115, 123, 127, 132, 133, 134, 135, 136, 137, 139, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 153, 154, 155, 156, 157, 159, 160, 161, 162, 163, 164, 166, 168, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 185, 197, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 226, 227, 231, 232, 233, 234, 235, 236, 240, 242, 250, 251, 252, 253, 254, 258, 259, 261, 262, 263, 264, 265, 266, 274, 275, 276, 277, 279, 280, 281, 282 of "The Facts" section of Plaintiff's complaint.

4. In response to the allegation contained in paragraph 12 of the "Parties" section of Plaintiff's Complaint, Defendant admits that Dannetta Graves is the Director of the Montgomery County Department of Job and Family Services which oversees the Montgomery County Child Support Enforcement Agency.

5. In response to the allegations contained in paragraph 5 of "The Facts" section of Plaintiff's Complaint, Defendant denies for lack of knowledge whether the domestic violence charge was fraudulent, but admits the remainder of the first sentence. In further answering, Defendant denies the second sentence and third sentences, admits the fourth sentence, and denies for lack of knowledge the fifth sentence of said paragraph.

6. In response to the allegations contained in paragraph 10 of "The Facts" section of Plaintiff's Complaint, Defendant admits that the agency had on record the court order terminating the child support obligation, but denies the remainder of said paragraph.

7. In response to the allegations contained in paragraph 15 of "The Facts" section of Plaintiff's Complaint, Defendant admits that a letter was mailed to Plaintiff, but denies that it was upon the request of Tonya Marie Coffey (Nelson). In further answering, Defendant denies the remainders of said paragraph.

8. In response to the allegations contained in paragraph 16 of "The Facts" section of Plaintiff's Complaint, Defendant denies the first sentence, and denies for lack of knowledge the last sentence of said paragraph.

9. In response to the allegations contained in paragraph 17 of "The Facts" section of Plaintiff's Complaint, Defendant admits that a letter was mailed to Beth Israel Hospital, but denies that it was upon the request of Tonya Marie Coffey (Nelson). In further answering, Defendant denies the second sentence, and denies for lack of knowledge the last sentence of said paragraph.

10. In response to the allegations contained in paragraph 18 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

11. In response to the allegations contained in paragraph 19 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

12. In response to the allegations contained in paragraph 66 of "The Facts" section of Plaintiff's Complaint, Defendant answers each subsection as follows: Defendant denies for lack of knowledge the allegations contained in subsection (a) of said paragraph; Defendant admits the allegations contained in the first and third sentence, and denies the allegations contained in the second sentence, of subsection (b) of said paragraph; Defendant admits the allegations contained in the first and third sentence, and denies the allegations contained in the second sentence, of subsection

(c) of said paragraph; and Defendant admits the allegations contained in subsection (d) of said paragraph.

13. In response to the allegations contained in paragraph 92 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

14. In response to the allegations contained in paragraph 96 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

15. In response to the allegations contained in paragraph 98 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

16. In response to the allegations contained in paragraph 100 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

17. In response to the allegations contained in paragraph 102 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

18. In response to the allegations contained in paragraph 104 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

19. In response to the allegations contained in paragraph 106 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

20. In response to the allegations contained in paragraph 108 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

21. In response to the allegations contained in paragraph 110 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

22. In response to the allegations contained in paragraph 112 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

23. In response to the allegations contained in paragraph 114 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

24. In response to the allegations contained in paragraph 117 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

25. In response to the allegations contained in paragraph 119 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

26. In response to the allegations contained in paragraph 121 of "The Facts" section of Plaintiff's Complaint, Defendant admits the first sentence of said paragraph but denies the remainder of the allegations contained in said paragraph.

27. In response to the allegations contained in paragraph 138 of "The Facts" section of Plaintiff's Complaint, Defendant answers as follows: Defendant denies the allegations contained in the first paragraph and the allegations contained in subsection (1) of said paragraph; Defendant denies for lack of knowledge the allegations contained subsections (2), (3), (4), and (5) of said paragraph.

28. In response to the allegations contained in paragraph 152 of "The Facts" section of Plaintiff's Complaint, Defendant answers as follows: Defendant denies the allegations contained in the first paragraph and the allegations contained in subsection (1) of said paragraph; Defendant denies for lack of knowledge the allegations contained subsections (2), (3), (4), and (5) of said paragraph.

29. In response to the allegations contained in paragraph 165 of "The Facts" section of Plaintiff's Complaint, Defendant answers as follows: Defendant denies the allegations contained in the first paragraph and the allegations contained in subsection (1) of said paragraph; Defendant denies for lack of knowledge the allegations contained subsections (2), (3), (4), and (5) of said paragraph.

30. Defendant denies the allegations contained in paragraphs 1, 2, 3, and 4 under the heading "Affect [sic] on Interstate Commerce."

31. Defendant admits and denies the allegations realleged in paragraphs 131, 145, 158, 169, 184, 260, 267, 273, 278, 283, 287, 292, of "The Facts" section of Plaintiffs' Complaint in the same manner in which said allegations are admitted and denied above.

32. Defendant denies each and every other allegation contained in Plaintiff's Complaint not heretofore admitted to be true.

SECOND DEFENSE

33. Plaintiff's Complaint fails to state a claim upon which relief may be granted, and should, therefore, be dismissed with prejudice at costs to Plaintiff.

THIRD DEFENSE

34. All or part of the complaint is barred by the applicable statute of limitations.

FOURTH DEFENSE

35. Defendant is absolutely and/or qualifiedly immune from suit.

FIFTH DEFENSE

36. If this answering Defendant was negligent, which is expressly denied, said negligence was remote and not a proximate cause. In further answering, the conduct of unknown third parties was not foreseeable and was a superceding cause for the damages claimed.

SIXTH DEFENSE

37. To the extent the Plaintiff seeks equity such should be denied as he comes before this Court with unclean hands.

SEVENTH DEFENSE

38. Plaintiff lacks subject matter jurisdiction/proper venue.

RESERVATION OF DEFENSES

39. Defendant reserve to herself the right to present such additional and further defenses to Plaintiff's Complaint as such may become available in the course of proceedings in this case.

WHEREFORE, it is respectfully requested that this Court dismiss Plaintiff's Complaint with costs to Plaintiff.

Respectfully submitted,

A handwritten signature in cursive script that reads "Dannetta Graves". The signature is written in black ink and is positioned above a horizontal line.

Dannetta Graves, Defendant
c/o 1111 Edwin C. Moses Blvd.
Dayton, Ohio 45402
(937) 225-4762

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed via regular U.S. Mail this 13 day of June, 2004, to Plaintiff, Ralph R. Nelson, 57 Charter Street, Apt. 2A, Boston, MA 02113, and all Defendants.



Dannelle Graves